

September 23, 2013

UNITED STATES BANKRUPTCY COURT FOR SOUTHERN DISTRICT OF NEW YORK
THE CHAMBERS OF THE HONORABLE MARTIN GLENN
ONE BOWLING GREEN/
NEW YORK, NEW YORK 10004
COURTROOM 501

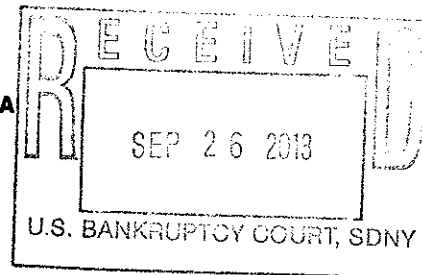
Reference: **RESIDENTIAL CAPITAL LLC, et al (CASE #12-12020 (MG))**
DEBTORS' OMNIBUS REPLY IN SUPPORT OF DEBTOR'S TWENTY-SIXTH AND
TWENTY-SEVENTH OMNIBUS CLAIMS OBJECTIONS TO BORROWER CLAIMS
WITH INSUFFICIENT DOCUMENTATION FILED 9/20/2013
Docket No. 4918

(CLAIMANTS RECEIVED COPY OF DOCUMENT 9/23/2013 VIA FEDERAL EXPRESS)

cc: **MORRISON & FOERTSTER LLP**
KRAMER LEVIN NAFTALIS & FRANKEL LLP

Claimant: **ZENAIDA R. VALENCIA AND ROLANDO H. VALENCIA**
Claim # **2869** - (Secured) \$127,257.19- Mortgage Note
Claim #**2872** - (Secured) \$178,160.67 - Mortgage Note
Claim #**2874** - (Secured) \$260,308.94 - Mortgage Note

To Whom It May Concern:



We are **still opposing** the expungement, and/or disallowance of our claims. We disagree with the objection. Claims #2869 and 2872 are mortgage loans originated and serviced by GMAC Mortgage since December 20, 2002 until May 14, 2012 when Res Cap, LLC filed Bankruptcy Chapter 11 until the loans were transferred to Green Tree Servicing (the current servicer). Claim #2874 is another mortgage loan that GMAC originated and serviced the loan on April 25, 2003 until May 14, 2012 when Res Cap LLC filed Bankruptcy Chapter 11 until loan was transferred to Green Tree Serving (the current servicer).

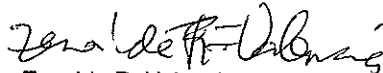
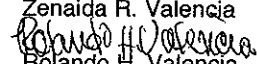
We responded within the 30 days notification from Res Cap LLC regarding the additional documents that we failed to include when the Proof of Claims were filed. The Evidence of Perfection of our claims which is the Mortgage (Deed of Trusts) were sent to Res Cap, LLC Claims Management, Bloomington, Minnesota. Res Cap, LLC advised that, if the additional documents were not received in their office by **June 20, 2013, our claims will be objected and expunged.** The additional copies of documents that we sent were received in their office on June 19, 2013 at 8:58 a.m. A print out of the e-mail we received from Claims.Management@gmac.rescap.com was included with the copies of documents we provided to your office when we filed the objection of our claims. Copies of the documents were also sent to Morrison & Foerster LLP and Kramer and Levin Naftalis & Frankel LLP via express mail.

We just received via Federal Express from Kurtzman Carson Consultants KCC/EI Segundo, CA copy of the **DEBTORS' OMNIBUS REPLY IN SUPPORT OF DEBTORS' TWENTY-SIXTH AND TWENTY-SEVENTH OMNIBUS CLAIMS OBJECTIONS TO BORROWER CLAIMS WITH INSUFFICIENT DOCUMENTATION** filed 9/20/13 that the Debtors are submitting to the court that the relief sought in the Objection should be granted. Per MORRISON & FOERSTER LLP we failed to respond and provide the additional documents to Res Cap LLC within the time frame that they gave us. **This is incorrect.**

In regards to our claim # **2874**, we are **not asserting** the interest rate of the Mortgage Note. We double checked the Note rate. The rate is correct. We apologize for this error on our part.

We are requesting the court to please re-review our claims. If you have any questions, please contact us at (619) 710-0697.

Sincerely,


Zenaida R. Valencia

Rolando H. Valencia

MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Gary S. Lee
Norman S. Rosenbaum
Jordan A. Wishnew
Jonathan M. Petts

*Counsel for the Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	
)	Chapter 11
Debtors.)	
)	Jointly Administered

**DEBTORS' OMNIBUS REPLY IN SUPPORT OF DEBTORS' TWENTY-SIXTH AND
TWENTY-SEVENTH OMNIBUS CLAIMS OBJECTIONS TO BORROWER CLAIMS
WITH INSUFFICIENT DOCUMENTATION**

CLAIMANT & PROOF OF CLAIM NO.	RESPONSE	DOCKET NO.	COMMENTS
<i>Twenty-Seventh Omnibus Claims Objection</i>			
Zenaída R. Valencia and Ronaldo H. Valencia (Claim Nos. 2869, 2872 and 2874)	Response of Zenaída R. Valencia and Rolando H. Valencia to Debtors' Twenty-Seventh Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)	4918	The Claimants have filed three proofs of claims against the Debtors, each relating to a mortgage note for a separate property. The stated basis of each proof of claim is "mortgage note." Each proof of claim attaches a copy of the Claimants' GMACM account statement and a copy of the relevant mortgage note. The Response characterizes the basis of each proof of claim as "GMAC Mortgage originated and serviced the loan," and attaches additional loan- related documentation. However, the Response, as it relates to Claim Nos. 2869 and 2872, does not explain why the Debtors owe the Claimants money. With respect to Claim No. 2874, the Claimants assert that their current 5.125 % interest rate on the mortgage at issue is greater than the 5.0% interest rate stated in the mortgage note. In fact, however, the mortgage note attached by the Claimants in connection with Claim No. 2874 states an interest rate of 5.125 %.

Residential Capital, LLC (ResCap) and its affiliated debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 1 Cases”) hereby submit this omnibus reply (the “Reply”) to certain responses, objections, and oppositions (collectively, the “Responses”) interposed by those claimants (collectively, the “Claimants”), listed on Exhibit 1 annexed hereto, to the *Debtors’ Twenty-Sixth Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4734] and *Debtors’ Twenty-Seventh Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4735] (collectively, the “Objections”). In support of the Reply, the Debtors submit the Supplemental Declaration of Deanna Horst, ResCap’s Senior Director of Claims Management, annexed hereto as Exhibit 3 (the “Supplemental Declaration”). In further support hereof, the Debtors respectfully state as follows:

PRELIMINARY STATEMENT

1. The Debtors have examined each of the Responses and the statements and exhibits submitted in support thereof. Exhibit 1 contains a summary of each Claimant’s Response, detailing the additional documentation and information provided in support of each claim at issue. Copies of the claims that are at issue in the Responses are attached hereto as Exhibit 2.

2. If an objection refuting at least one of the claim’s essential allegations is asserted, the claimant has the burden to demonstrate the validity of the claim. See In re Oneid Ltd., 400 B.R. 384, 389 (Bankr. S.D.N.Y. 2009); In re Rockefeller Ctr. Props., 272 B.R. 524, 53 (Bankr. S.D.N.Y. 2000). The burden of persuasion is on the holder of a proof of claim to establish a valid claim against a debtor. Feinberg v. Bank of N.Y. (In re Feinberg), 442 B.F. 215, 220-22 (Bankr. S.D.N.Y. 2010). Each Claimant has failed to provide sufficient documentation in support of its claim or any other explanation as to why its claim represents

valid claim ~~that should~~ be allowed against the Debtors. Accordingly, the relief sought in the Objections ~~should~~ be granted with respect to the Claimants.

BACKGROUND

3. In connection with the claims reconciliation process, the Debtors identified certain claims filed by Borrowers¹ that either (i) fail to identify the amount of the claim and the basis for the claim or (ii) identify the claim amount but do not provide any explanation or attach any supporting documentation to substantiate the basis for the claim amount (together, the “Insufficient Documentation Claims”).

4. After consulting with SilvermanAcampora LLP, special borrowers’ counsel to the official committee of unsecured creditors (“Special Counsel”), the Debtors sent Request Letters to the Borrowers who filed the Insufficient Documentation Claims requesting additional documentation in support of such claims. The Request Letters state that the Claimant must respond within 30 days with an explanation that states the legal and factual reasons why the Claimant believes it is owed money or is entitled to other relief from the Debtors, and the Claimant must provide copies of any and all documentation that the Claimant believes supports the basis for its claim. The Request Letters further state that if the Claimant does not provide the requested explanation and supporting documentation within 30 days, the Debtors may file a formal objection to the Claimant’s claim, seeking to have the claim disallowed and permanently expunged.

5. The Debtors did not receive any response to the Request Letters from the holders of the Insufficient Documentation Claims (including the Claimants) after the 30-day

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in each Objection.

response deadline passed. Accordingly, on August 16, 2013, the Debtors filed the Objections to the Insufficient Documentation Claims.

6. After the Debtors filed the Objections, each of the Claimants submitted a Response, as summarized on Exhibit 1 annexed hereto.

REPLY

7. Bankruptcy Rule 3001(c)(1) instructs that:

[w]hen a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

Fed. R. Bankr. P. 3001(c)(1).

8. If a claim fails to comply with the documentation requirements of Bankruptcy Rule 3001(c), it is not entitled to *prima facie* validity. See Ashford v. Consolidated Pioneer Mortg. (In re Consolidated Pioneer Mortg.), 178 B.R. 222, 226 (9th Cir. B.A.P. 1995), aff'd, 91 F.3d 151 (9th Cir. 1996); In re Minbatiwalla, 424 B.R. 104, 112 (Bankr. S.D.N.Y. 2010) (J. Glenn). Moreover, where creditors fail to provide adequate documentation supporting the validity of their claims consistent with Bankruptcy Rule 3001(c), courts in this Circuit have held that such claims can be disallowed. See Minbatiwalla, 424 B.R. at 119 (determining that “in certain circumstances, claims can be disallowed for failure to support the claim with sufficient evidence . . . because absent adequate documentation, the proof of claim is not sufficient for the objector to concede the validity of a claim.”); In re Porter, 374 B.R. 471, 480 (Bankr. D. Conn. 2007); see also Feinberg, 442 B.R. at 220-22 (applying Minbatiwalla to analysis).

9. Upon review of the Responses, the Debtors have determined that each of the Responses detailed in Exhibit 1 fails to provide sufficient documentation to support the

validity of the respective claim. Accordingly, the Insufficient Documentation Claims to which the Responses apply should be disallowed and expunged.

CONCLUSION

10. WHEREFORE, the Debtors respectfully submit that the relief sought in the Objections should be granted.

Dated: September 20, 2013
New York, New York

/s/ Norman S. Rosenbaum
Gary S. Lee
Norman S. Rosenbaum
Jordan A. Wishnew
Jonathan M. Petts
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

*Counsel for the Debtors and
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Dated: September 20, 2013
New York, New York

/s/ Norman S. Rosenbaum
Gary S. Lee
Norman S. Rosenbaum
Jordan A. Wishnew
Jonathan M. Petts
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

*Counsel for the Debtors and
Debtors in Possession*

September 23, 2013

Morrison & Foerster LLP
1290 Avenue of the Americas
New York, New York 10104

Attn: Gary S. Lee
Jordan A. Wishnew
Jonathan M. Petts

Ref. Residential Capital, LLC, et al
Case No. 12-12020 (MG)
Chapter 11

Debtors' Omnibus Reply In Support
of Debtors' Twenty-Sixth And Twenty-
Seventh Omnibus claims Objections
To Borrower Claims
With Insufficient Documentation
Filed 9/20/2013

Proof of claim # 2869, 2872 & 2874
Docket # 4918

Please see attached letter
from claimants, e-mail
print out from Res Cap/claims management
+ copies of documents sent to Minnesota.
Recorded copies of the Deed of Trust, Riders
+ Note were sent with these docs. They
received them on June 19, 2013.

All these copies of documents including the copies of the recorded Deed of Trusts, Riders and Note were all sent to Res/Cap, Claims Management, Bloomington Minnesota via Express mail. We have receipt from the Post Office.

Confirmation thru e-mail was received on 6/19/2013. Copy of the print out of the e-mail is attached.

We responded + provided the additional documents to suffice our proof of claims before 6/20/13. This is within the time frame given to us. Thank you very much.

Erin R. Dancin

+You Search Images Maps Play YouTube News Gmail Drive Calendar More

Google

Gmail

COMPOSE

AAG.com - Are You Age 62 Or Older? - How Does Reverse Mortgage Work? Ge

Inbox (1)

ResCap - Claims 2874, 2872, & 2869

Inbox x

Starred

Important

Claims Management <Claims.Management@gmacrescap.com>

Sent Mail

Drafts (1)

Images are not displayed.

More

Display images below - Always display images from Claims.Management@

Per your request, please be advised that we received the documents yo
the three claims referenced above.

Thank you.

*Documents rec'd
Wednesday
June 19, 2013
@
8:58 a.m.*

Search people...

dana.borg

William Howard

Claims Management

Residential Capital, LLC

P. O. Box 385220

Bloomington, Minnesota 55438

Fax - 866-501-6436

Claims.Management@gmacrescap.com

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RESCAP

MORRISON | FOERSTER

Claim Information

Claim Number	2874
Basis of Claim Explanation that states the legal and factual reasons why you believe you are owed money or are entitled to other relief from one of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases) and, you must provide copies of any and all documentation that you believe supports the basis for your claim.	<i>GNAC Mortgage originated and serviced the loan.</i>

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the following loan information, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Loan Number: <i>0654516479</i>		
Address of property related to the above loan number: <i>4585 Pacific Riviera Way</i>		
City: <i>San Diego</i>	State: <i>CA</i>	ZIP Code: <i>92154</i>

Additional resources may be found at - <http://www.kccllc.net/rescap>

B 10 Modified (Official Form 10) (12/11)

Claim #2874 Date Filed: 11/7/2012

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

PROOF OF CLAIM

Name of Debtor and Case Number:

RESIDENTIAL CAPITAL, LLC, et al., Case No. 12-020 (MG)

NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

Zenaida R. Valencia & Rolando H. Valencia

Name and address where notices should be sent:

Zenaida R. Valencia
Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

Telephone number: (619) 710-0697

email: zenaidavalencia@gmail.com

Name and address where payment should be sent (if different from above):

Same As Above

Telephone number:

email:

☒ Date Stamped Copy Returned
☐ No self addressed stamped envelope
☐ No copy to return

1. Amount of Claim as of Date Case Filed: \$ 260,308.94

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.

2. Basis for Claim: Mortgage Note (Loan # 0654516479)
(See instruction #2)

3. Last four digits of any number by which creditor identifies debtor:

6479

3a. Debtor may have scheduled account as:

N/A

(See instruction #3a)

3b. Uniform Claim Identifier (optional):

N/A

(See instruction #3b)

4. Secured Claim (See instruction #4)

Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Nature of property or right of setoff: ☒ Real Estate ☐ Motor Vehicle ☐ Other
Describe:

Value of Property: \$ 458,400.00 Annual Interest Rate 5.125% ☒ Fixed ☐ Variable
(when case was filed)

Amount of arrearage and other charges, as of the time case was filed, included in secured claim,
if any: \$ N/A

Basis for perfection: Promissory Note/Mortgage Act,
Deed of Trust (recorded)

Amount of Secured Claim: \$ 260,308.94

Amount Unsecured: \$

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ N/A

(See instruction #6)

7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

9. Signature: (See instruction #9) Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent
(Attach copy of power of attorney, if any)

☐ I am the trustee, or the debtor, or their authorized agent
(See Bankruptcy Rule 3004)

☐ I am a guarantor, surety, indorser, or other codebtor
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: ZENALDA R. VALENCIA

Title:

Company:

Address and telephone number (if different from notice address above):

Zenaida R. Valencia 11/5/12
Rolando H. Valencia 11-5-12
(Signature) (Date)

Telephone number:

Penalty for presenting fraudulent claim: Fine of up to \$500,000

☒ Check this box if this claim amends a previously filed claim.

Court Claim Number: 2874
(If known)

Filed on: 11/7/2012

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier -- 11 U.S.C. §507 (a)(4).

☐ Contributions to an employee benefit plan -- 11 U.S.C. §507 (a)(5).

☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -- 11 U.S.C. §507 (a)(7).

☐ Taxes or penalties owed to governmental units -- 11 U.S.C. §507 (a)(8).

☐ Other -- Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

\$

* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

RECEIVED

NOV 07 2012

KURTZMAN CARSON CONSULTANTS

COURT USE ONLY

Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

SUMMARY

Loan # 0654516479

Rate As of May 14, 2012 — 5.125%

Rate is fixed.

Principal Balance As of May 14, 2012 — \$260,308.98

Claim # 2874

Residential Capital, LLC
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

000327

PRF # 58316***
Case No.: 12-12020
Svl 2

PackID: 327
NameID: 11079809

Zenaida R. Valencia & Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

Please see attached —

Completed claim Information
Copy of Recorded Deed of Trust
Copy of Note

* Rate on Note is 5.000 %
TIL (Truth In Lending) +
GMAC Mortgage Account Monthly Statement
is 5.125 %

9/23/13 checked Note Rate again.
It's correct 5.125 %
Zenaida R. Valencia

GMAC Mortgage Account Statement

CUSTOMER INFORMATION

Name: Zenaida R. Valencia
Rolando H. Valencia
Account Number: 0654516479
Home Phone #: (619)710-0697

PROPERTY ADDRESS

4585 PACIFIC RIVERA WAY
SAN DIEGO CA 92154

GMAC Mortgage

Claim # 2874
0738

Visit us at www.gmacmortgage.com for
account information or to apply on-line.

02/11/10 11:00 3 0000139 20120510 LE107102 GMREG 2 OZ DOM LE10710000 146316 GM



ZENaida R. VALENCIA - 8924
ROLANDO H. VALENCIA - 4617
4585 PACIFIC RIVIERA WAY
SAN DIEGO CA 92154-4821



For information about your existing account,
please call: 1-800-766-4622.

For information about refinancing or obtaining
a new loan, please call: 1-866-690-8322

Please verify your mailing address, borrower and co-borrower information. Make necessary corrections on this portion of the statement, detach and mail to address listed for inquiries on the reverse side.

Account Information

Account Number	0654516479
Statement Date	May 09, 2012
Maturity Date	May 01, 2033
Interest Rate	5.12500
Interest Paid Year-to-Date	\$5,598.69
Taxes Paid Year-to-Date	\$2,270.39
Escrow Balance	\$1,413.71
Principal Balance(PB)*	\$260,308.94

Details of Amount Due/Paid

Principal and Interest	\$1,742.36
Subsidy/Buydown	\$0.00
Escrow	\$471.23
Amount Past Due	\$0.00
Outstanding Late Charges	\$0.00
Other	\$0.00
Total Amount Due	\$2,213.59
Account Due Date	June 01, 2012

For Customer Care inquiries call: 1-800-766-4622

For Insurance inquiries call: 1-800-256-9962

For Payment Arrangements call: 1-800-850-4622

Account Activity Since Last Statement

Description	Pmt Date	Tran. Date	Tran. Total	Principal	Interest	Escrow	Add'l Products	Late Charge	Other
Payment	05/01/12	05/09/12	\$2,213.59	\$627.94	\$1,114.42	\$471.23			

*This is your Principal Balance only, not the amount required to pay the loan in full. For payoff figures and mailing instructions, call the Customer Care number above or you may obtain necessary payoff figures through our automated system (24 hours a day, 7 days a week). See back for automatic payment sign-up information and other payment options.

Important News

Now is a great time to buy a home! If you're in the market for your next home, our trained loan agents will help you review all of the financing options available to you - call 877-528-3817 today!

Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

Property Address:

2356 Tocayo Avenue, 106
San Diego, CA 92154

SUMMARY

Loan # 06543 06502

Rate As of May 14, 2012 — 5.875 %

Rate is fixed.

Principal Balance As of May 14, 2012 — \$127,257.19

RESCAP

MORRISON | FOERSTER

Claim Information

Claim Number	2869
Basis of Claim Explanation that states the legal and factual reasons why you believe you are owed money or are entitled to other relief from one of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases) and, you must provide copies of any and all documentation that you believe supports the basis for your claim.	<i>GMAC Mortgage originated and serviced the loan.</i>

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the following loan information, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Loan Number: <i>0654306502</i>		
Address of property related to the above loan number: <i>2356 Tocayo Avenue, 106</i>		
City: <i>San Diego</i>	State: <i>CA</i>	ZIP Code: <i>92154</i>

Additional resources may be found at - <http://www.kccllc.net/rescap>

Claim #2869

Residential Capital, LLC
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

000325

PRF # 58316***
Case No.: 12-12020
Svl 2

PackID: 325
NameID: 11079809

Zenaida R. Valencia & Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

*Please see attached -
Completed Claim Information
Copy of Recorded Deed of Trust
Copy of Note*

Claim # 2872

Residential Capital, LLC
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

000326

PRF # 58316***
Case No.: 12-12020
Svl 2

PackID: 326
NameID: 11079809

Zenaida R. Valencia & Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

*Please see attached -
Completed claim Information
Copy of Recorded Deed of Trust
Copy of Note*

RESCAP

MORRISON | FOERSTER

Claim Information

Claim Number	2872
Basis of Claim Explanation that states the legal and factual reasons why you believe you are owed money or are entitled to other relief from one of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases) and, you must provide copies of any and all documentation that you believe supports the basis for your claim.	<i>GNAC Mortgage originated and serviced the loan,</i>

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the following loan information, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Loan Number: <i>0654306880</i>		
Address of property related to the above loan number: <i>1661 Planicie Way</i>		
City: <i>San Diego</i>	State: <i>CA</i>	ZIP Code: <i>92154</i>

Additional resources may be found at - <http://www.kccllc.net/rescap>

B 10 Modified (Official Form 10) (12/11)

Claim #2872 Date Filed: 11/7/2012

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM	
Name of Debtor and Case Number: <u>RECIDENTAL CAPITAL LLC, et al., Case No. 12-12020 (MG)</u>		<input checked="" type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: <u>2872</u> <i>(if known)</i> Filed on: <u>11/7/2012</u> <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725* earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(...). Amount entitled to priority: \$ _____ <small>* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503. Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>Zenaida R. Valencia + Rolando H. Valencia</u>			
Name and address where notices should be sent: <u>Zenaida R. Valencia</u> <u>Rolando H. Valencia</u> <u>4585 Pacific Riverway</u> <u>San Diego, CA 92154</u>			
Telephone number: <u>(619) 710-0699</u> email: <u>zenaida.valencia@gmail.com</u> Name and address where payment should be sent (if different from above): <u>Same As Above</u> Telephone number: _____ email: _____			
1. Amount of Claim as of Date Case Filed: <u>\$ 178,160.67</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		<input checked="" type="checkbox"/> Date Stamped Copy Returned <input type="checkbox"/> No self addressed stamped envelope <input type="checkbox"/> No copy to return	
2. Basis for Claim: <u>Mortgage Note (Loan # 0654306820)</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: <u>6880</u>	3a. Debtor may have scheduled account as: <u>N/A</u> (See instruction #3a)		3b. Uniform Claim Identifier (optional): <u>N/A</u> (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: <u>\$259,000.00</u> Annual Interest Rate <u>5.875%</u> <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>N/A</u> Basis for perfection: <u>Promissory Note / Mortgage Account</u> <u>Deed of Trust (recorded)</u> Amount of Secured Claim: \$ <u>178,160.67</u> Amount Unsecured: \$ <u>N/A</u>			
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ <u>N/A</u> (See instruction #6)			
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)			
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:			
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. <u>ZENaida R. VALENCIA</u> Print Name: <u>ROLANDO H. VALENCIA</u> Title: _____ Company: _____ Address and telephone number (if different from notice address above): _____ Telephone number: _____ Penalty for presenting fraudulent claim: Fine of up to \$500			



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KURTZMAN CARSON CONSULTANTS
COURT USE ONLY

Zenaida H. Valencia
Rolando H. Valencia
4585 Pacific Riviera Way
San Diego, CA 92154

Property Address:
1661 Planicie Way
San Diego, CA 92154

SUMMARY

Loan # 0654306880

Rate As of May 14, 2012 — 5.875%

Rate is fixed.

Principal Balance As of May 14, 2012 — \$178,160.67